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Ex-Colonel Testifies for CBS at Trial

By M. A. FARBER

A retired Army colonel who was in charge of estimating enemy strength in South Vietnam in 1967 testified yesterday that Gen. William C. Westmoreland imposed a "dishonest" ceiling on reports of that strength because higher figures were "politically unacceptable."

Col. Gains B. Hawkins — who appeared in Federal District Court in Manhattan as the 16th witness for CBS in General Westmoreland's \$120 million libel suit against the network — said the "command position" was that the estimates of enemy strength "would not exceed" 300,000, about 200,000 below the figure supported by the colonel.

General Westmoreland, who commanded United States forces in Vietnam from 1964 to 1968, denied in his own testimony last November that he placed a ceiling on estimates of enemy strength. The general said he was concerned about the "public relations" impact of releasing new data without "explanation" but was guided by his own views of enemy capabilities and what he believed to be the best intelligence available to him.

1967 Briefing on Vietcong

Colonel Hawkins — a 65-year old avuncular Mississippian who asked Judge Pierre N. Leval to tap him "on the shoulder" if he rambled — testified that he had first briefed General Westmoreland in May 1967 on much increased figures for the Vietcong's irregular forces and political cadre. His statistical methods, the colonel told David Boies, the lawyer for CBS, were not questioned, but that his figures were "not accepted."

Q. Colonel Hawkins, I want you to tell me in words to the extent you can, and in substance to the extent that you recall, what General Westmoreland said to you at that briefing.

A. I will have to tell you in substance because I cannot remember the precise words. But the substance of General Westmoreland's statement was that these high figures were politically unacceptable. The sum and substance of his statement included statements like "What will I tell the President? What will I tell the Congress? What will be the reaction of the press to these high figures?"

"We'd better take another look at these figures," Colonel Hawkins recalled the general saying. Colonel Hawkins said that, in the following months, at least partly on the orders of another colonel who was his immediate superior, he proceeded to reduce the estimates. But the witness made no mention of a direct order from General Westmoreland to cut the figures.

Colonel Hawkins, a portly man with a fringe of gray hair around a baldish pate, testified that 14 years later he had discussed the May 1967 briefing with George Crile, the producer of the 1982 CBS documentary that prompted General Westmoreland's suit.

Q. Did you discuss with Mr. Crile in 1981 who was responsible for the dishonesty of MACV [General Westmoreland's command] enemy strength figures?

Colonel Hawkins, who exchanged greetings with General Westmoreland before court but seemed not to look at him during three hours of testimony, leaned toward the microphone over the witness stand.

A. I told him it went back to General Westmoreland himself.

Q. Did you discuss with Mr. Crile why you believed it went back to General Westmoreland himself?

A. Because General Westmoreland had established a ceiling, and no competent intelligence analyst can function under the ceiling that had been established.

Colonel Hawkins completed his direct testimony yesterday and will be cross-examined this morning. When court adjourned, Judge Leval advised the jury that testimony in the trial, now in 18th week, may end next week, and that it will be sequestered then.

The CBS documentary — "The Uncounted Enemy: A Vietnam Deception" — charged that General Westmoreland's command in Saigon had engaged in a "conspiracy" in 1967 to show progress in the war by understating the size and nature of Communist forces, mainly by deleting the Vietcong's self-defense units from the official listing of enemy strength known as the order of battle. It specifically accused the general of setting the ceiling of 300,000 on reports of enemy strength.

Apart from CBS, the defendants in the case are Mr. Crile, Mike Wallace, the broadcast's narrator, and Samuel A. Adams, a former Central Intelligence Agency analyst who was a paid consultant for the program and who, in 1967, shared Colonel Hawkins's views about the larger strength of the enemy.

Colonel Hawkins, who served in the Army for 29 years before his retirement in 1970, now administers a nursing home for the aged in West Point, Miss. and is chairman of the Clay County Republican Party. From February 1966 to September 1967, he was chief of the order of battle section for General Westmoreland's command.

Asides in Testimony

Yesterday, the colonel interspersed his testimony with humorous asides, some of which had even General Westmoreland smiling. He recalled that, after his on-camera interview with CBS in New York in 1981, the network offered him tickets to a Broadway show. He begged off, he said, because he was "too tight — not martini tight." But "ironically," he said, "the title of the play was: 'Ain't Misbehavin'.'"

At another point, the colonel noted that one of the officers at a 1967 military conference in Honolulu was a graduate of Princeton University. "For the benefit of all you Princeton graduates," he said to the spectators who filled the courtroom, "he was a real whiz on statistics."

The colonel's testimony comported, in most respects, with what he had said during his appearance on the documentary. But it was far richer in detail.

Colonel Hawkins said the higher figures he presented to General West-

moreland in May 1967 were the result of months of study initiated by Maj. Gen. Joseph A. McChristian, General Westmoreland's chief of intelligence between July 1965 and June 1, 1967.

Decrease in Order of Battle

General Westmoreland testified that he decided after the briefing to drop the Vietcong's part-time, hamlet-based self-defense forces from the military order of battle — and place the political cadre in a separate listing — because it was time to distinguish "the fighters from the nonfighters" among the enemy. Instead of increasing, the order of battle then decreased from 295,000 to a range of 223,000 to 248,000, plus 75,000 to 85,000 political cadre.

Some witnesses for General Westmoreland — including Maj. Gen. Philip B. Davidson Jr., who succeeded General McChristian as intelligence chief, and Col. Charles A. Morris, the director of intelligence production — have denied in testimony that a ceiling had been set on enemy strength.

Yesterday, Mr. Boies asked Colonel Hawkins whether he had heard General Westmoreland "indicate" at the briefing "that any of the enemy whose strength you were estimating were not fighters or were not armed or should be separated out."

"There were no such remarks," the colonel said.

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Q. Are you certain of that?

A. I am quite certain, sir.

Colonel Hawkins also testified that General Davidson told him "in substance" after the briefing that the higher figures were "unacceptable" and Colonel Morris ordered him to lower them.

At first, Colonel Hawkins said, he explained that the higher figures were only "book" increases that represented, not a larger enemy than had existed, but a previous undercounting. Then he reduced the figures by only a few thousand.

But after these figures were "not accepted" at a second briefing with General Westmoreland in June, he testified, he made further "improper" cuts and ordered other, more junior officers, to do so as well.

Colonel Hawkins said he told General Davidson and Colonel Morris: "If you want a different figure you need to change to the rules of the game. You just give me what figure you think it ought to be and I'll carry it out for you." And this was the beginning of the reduction of our figures. I abdicated my position as order of battle chief."

The colonel said that when Mr. Adams and Mr. Crile asked him in 1981 to participate in the documentary, he decided "the war was over and it was time for an after-action report."

Q. Do you have any animus or ill-will towards General Westmoreland?

A. No, sir, none whatsoever.

Q. Do you have any animus or ill-will to the United States Army.

Colonel Hawkins drew himself up, and almost shouted the answer.

A. No, sir, I carried out these orders as a loyal officer in the United States Army, sir.